

Frequently Asked Questions Regarding Judge Lee's Procedures

Q: Where should parties send proposed orders?

A: If the order relates to a non-dispositive motion, or the scheduling/rescheduling/continuance of a conference/hearing that is scheduled before Magistrate Judge Roger Cosbey, E-mail them in WordPerfect format to cosbey_chambers @ innd.uscourts.gov (remove spaces around @ when entering e-mail address).

If the order relates to a dispositive motion, or the scheduling/rescheduling/continuance of a conference/hearing that is scheduled before Judge Lee, E-mail them in WordPerfect format to lee_chambers @ innd.uscourts.gov (remove spaces around @ when entering e-mail address)

Q: What time does court start during a trial?

A: During trial, court starts at 8:30 a.m.. Court generally ends by 5:00 p.m., but will vary depending on the circumstances of the trial. There is generally a short morning break, a lunch break, and a short afternoon break at some point each day of the trial.

Q: What courtroom is Judge Lee in?

A: Generally in the 2nd Floor courtroom, but if that courtroom is unavailable, the 1st floor courtroom may be used.

Q: ADR - Does Judge Lee require the parties to engage in mediation?

A: Yes, parties are strongly urged and expected to have engaged in at least one attempt at mediation prior to coming to the final pre trial conference, unless otherwise relieved of that obligation by the court. - See the link to ADR on Judge Lee's web page

Q: What should be in the pretrial order?

A: Please refer to FRCP 16(d) and (f), and Appendix A to the NDIN Local Rules for a Sample Proposed Pre Trial Order.

Q: What happens at a final pre trial conference?

A: The final pretrial conference, which occurs about one month before trial, is used to assign dates for the preparation of trial materials. The Court may refer the parties to Magistrate Judge Cosbey to either conduct a settlement conference afterwards, if time allows, or to schedule a prompt settlement conference. However, the parties are expected to have diligently pursued settlement through the mediation process or among themselves prior to the date of the final pre trial conference.

Q: What happens at a trial management conference?

A: The trial management conference generally occurs a few days before trial. The purpose of the trial management conference is to resolve any last minute issues, rule on pending motions, and answer any questions the parties have about trial procedures.

Q: Does the Court have a motion call day?

A: No, there is no specific motion call day. If a party wants oral argument, they should request it via a motion.

Q: How should parties mark exhibits?

A: Exhibits should be pre-marked. Plaintiff's should use numbers, and defendants should use letters. If more than 26 defendant exhibits are involved, the numbering past Exhibit Z should be AA through AZ, BA through BZ and so on, as to avoid more than a 2 digit designation for any exhibit.

Q: Can I get a demonstration of the technology available in the courtroom?

A: Yes, please contact the courtroom deputy, Lana Melton, at 260-423-3001, or the systems specialist Ben Ruf at 260-423-3070 to set up an appointment. It will not be possible to schedule an appointment on jury selection day.

Q: Does the Court have a set of standing orders?

A: No.

Q: Do parties have to use CM/ECF?

A: Effective January 1, 2005, the use of CM/ECF is mandatory, unless a party has been relieved of such requirement by the court.

Q: What does the magistrate judge handle?

A: The magistrate judge assigned to each case handles all non-dispositive motions. The only major exception to this rule is that Judge Lee handles continuances of sentencings, suppression hearings, oral argument, and other criminal and civil hearings. But the magistrate judge may handle motions to continue civil or criminal trials. Forms of order for these motions should be sent to the appropriate chambers. Judge Lee's e-mail address is lee_chambers@innd.uscourts.gov. Judge Cosbey's e-mail address is cosbey_chambers@innd.uscourts.gov

Q: What do the initials after my case number mean?

A: The initials after the case number refer to the presiding judge assigned to the case and the Magistrate Judge to whom the case has been referred for non-dispositive matters. Thus, cases in front of Judge Lee usually have "WCL-RBC" after the number.